

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

WILLIAM WHITFIELD JACKSON,

Plaintiff,

v.

Case No. 03-C-1395

RYAN INTERNATIONAL AIRLINES,

Defendant.

DECISION AND ORDER

The plaintiff, William Whitfield Jackson, commenced this action on December 3, 2003. He was granted leave to proceed in forma pauperis on December 10, 2003.

On September 16, 2005, this court issued an order granting the defendant's motion for summary judgment. The court also directed entry of judgment and judgment was entered on September 19, 2003. The plaintiff filed a notice of appeal. The plaintiff erroneously filed a motion to proceed on appeal in forma pauperis in the Court of Appeals for the Seventh Circuit. The motion was transferred to this court and is ready for resolution.

Under Fed. R. App. P. 24(a), a party who has been granted leave to proceed in forma pauperis in the district court may proceed in forma pauperis on appeal without further authorization unless the district court certifies that the appeal is not taken in good faith or determines that the party is otherwise not entitled to proceed in forma pauperis. See 28 U.S.C. §1915(a)(3). An appeal taken in "good faith" is one that seeks review of any issue that is not frivolous, meaning that it involves "legal points arguable on their merits." Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983) (quoting Anders v. California, 386 U.S. 738 [1967]); see also, Coppedge v. United States, 369 U.S. 438, 445 (1962). The existence of

any nonfrivolous issue on appeal is sufficient to require the court to grant the petition. Howard, 707 F.2d at 220.

In considering the plaintiff's request to proceed in forma pauperis before the district court, it was determined that the plaintiff met the indigence requirement of 28 U.S.C. § 1915(a)(1) and that his claims were neither malicious nor frivolous. This court does not find any indication that the plaintiff's appeal is not taken in good faith. The plaintiff is still indigent and unable to pay the full filing fee in advance. Thus, the court will grant the plaintiff's request to proceed in forma pauperis on appeal.

ORDER

NOW, THEREFORE, IT IS ORDERED that the plaintiff's request to proceed in forma pauperis on appeal be and hereby is **granted**.

Dated at Milwaukee, Wisconsin this 6th day of December, 2005.

BY THE COURT:

s/Patricia J. Gorence

PATRICIA J. GORENCE
United States Magistrate Judge